

that on May 16, 1997, he completed a course in the appropriate prescribing of controlled substances. On his application for registration, Dr. Golden states that "I feel that I have become more responsible * * *." However, Dr. Golden did not respond to the Order to Show Cause, and therefore did not provide the Acting Deputy Administrator with any other evidence for consideration.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for a DEA Certificate of Registration if he determines that such registration would be inconsistent with the public interest. In determining the public interest, the following factors are considered.

- (1) The recommendation of the appropriate State licensing board or professional disciplinary authority.
- (2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.
- (3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.
- (4) Compliance with applicable State, Federal, or local laws relating to controlled substances.
- (5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See Henry J. Schwarz, Jr., M.D., 54 FR 16422 (1989).

As discussed above, Dr. Golden's previous registration was found to be inconsistent with the public interest. Since that time, Dr. Golden's state medical license was again placed on probation until at least April 2000. The Acting Deputy Administrator finds that Dr. Golden has not presented sufficient evidence to indicate that his registration would now be in the public interest. While Dr. Golden has taken a course in the appropriate prescribing of controlled substances, and he asserts on his application that he has "become more responsible," the Acting Deputy Administrator is not convinced that Respondent has accepted responsibility for his previous mishandling of controlled substances. Therefore, the Acting Deputy Administrator concludes that Dr. Golden's registration would be inconsistent with the public interest.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the

authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for registration, executed by Robert M. Golden, M.D., be, and it hereby is, denied. This order is effective August 17, 1998.

Dated: July 10, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Fred D. Oremland, M.D., Revocation of Registration

On January 13, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Fred D. Oremland, M.D., of California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AO4999592, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of California. The order also notified Dr. Oremland that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received on January 31, 1998. No request for a hearing or any other reply was received by the DEA from Dr. Oremland or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Oremland is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 C.F.R. 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on August 23, 1995, the Medical Board of California (Board) filed an Accusation against Dr. Oremland alleging improper and excessive treatment; improper and excessive billing; the creation of false medical records; repeated violations of patient confidence; exploitation of a

patient; excessive prescribing of dangerous drugs and controlled substances; and violations of statutory recordkeeping requirements. On June 25, 1996, Dr. Oremland entered into a stipulation with the Board whereby he agreed to surrender his physician and surgeon's certificate by October 1, 1996. In addition, Dr. Oremland agreed to waive his right to renew his state certificate and to not seek reinstatement or relicensure for at least three years. This stipulation was accepted by the Board by Order dated July 17, 1996. A letter from the Board dated January 13, 1998, which is in the investigative file, indicates that Dr. Oremland's California physician and surgeon's certificate was in fact surrendered.

The Acting Deputy Administrator finds that in light of the fact that Dr. Oremland is not currently licensed to practice medicine in the State of California, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state. The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16, 193 (1997); *Demetris A. Green, M.D.*, 61 FR 60, 728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Oremland is not currently authorized to handle controlled substances in the State of California. Therefore, Dr. Oremland is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AO4999592, previously issued to Fred D. Oremland, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective August 17, 1998.

Dated: July 10, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

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